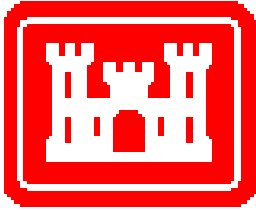


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# PUBLIC NOTICE



**US Army Corps  
Of Engineers**  
Omaha District

**File No: 2004-10258-WEH**  
**Project: Niobrara East & West, S-12-5(1011)**  
**Applicant: Nebraska Department of Roads**  
**Issue Date: July 25, 2008**

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The U.S. Army Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) to analyze the direct, indirect and cumulative effects of a proposed Nebraska State Highway project, Nebraska Highway 12 Niobrara East and West Project by the Nebraska Department of Roads (NDOR). NDOR is responsible for providing a safe, efficient, affordable, environmentally compatible and coordinated statewide transportation system for the movement of people and goods.

Two segments of existing Nebraska Highway 12 (N-12) have experienced flooding and damage due to high water levels associated with the Missouri River. Segment 1 is approximately 6.4 miles long and extends from just east of Verdel, Nebraska, on the west end to 2 miles west of the bridge over the Niobrara River. Segment 2 is approximately 6 miles long and extends from just east of Spruce Avenue in Niobrara, Nebraska, to approximately 1 mile east of Nebraska Spur-54D (see attached figures).

The overall project purpose is to provide a reliable and safe roadway that meets the existing and projected traffic needs for the region. This project purpose will be used to evaluate the full range of alternatives under Section 404 (b)(1) guidelines. The need for the project is based on the following problems and/or concerns caused by the high water levels and flooding: instability of the existing roadway; driver hazard; roadway maintenance countermeasures; and traffic disruption.

**Roadway Stability:** Due to high water levels and overtopping of N-12 in the Study Area, the stability of the roadway is threatened. Gavin's Point Dam on the Missouri River was built in the 1950s near Yankton, South Dakota, creating Lewis and Clark Lake (lake). The lake has caused the water table adjacent to the Missouri River to rise. N-12, which runs parallel to the Missouri River, is affected where it crosses into the Missouri River floodplain east and west of Niobrara, Nebraska. Approximately eight miles of N-12 runs through the floodplain. About half of this length is located to the east and half to the west of Niobrara, in Knox County, Nebraska. The distance between N-12 and the Missouri River bank differs, but some areas are as close as two to three thousand feet. Due to the location of N-12, roadway overtopping and prolonged high water levels are common. Reasons for these conditions are:

- Missouri River Mainstem Releases - System releases from upstream reservoirs as part of the Missouri River mainstem system can provide constant high water levels

and large releases of water can sometimes maintain high water levels for many months.

- **Sedimentation** - The increased silt load coming into the Lake from the Missouri River tributaries (primarily the Niobrara River and Bazile Creek) has caused sedimentation of the Lake. The confluence of the Niobrara River and the Missouri River is just west of Niobrara, Nebraska. The waters slow and sediment is deposited creating a fill area that restricts the channel and raises the bed of the both rivers. This is causing the area of the Lake to increase in dimension as well as raising the water table. This action has also reduced the size (and therefore capacity) of bridge openings.

Overtopping has occurred several times in the Bazile and Ponca Creek areas in the past. Bazile Creek enters the river east of Niobrara, Nebraska where it intersects N-12. Ponca Creek intersects N-12 and enters the river west of Niobrara, Nebraska. Over-topping jeopardizes the integrity of the roadway due to shoulder and embankment damage.

High water levels create conditions of routine and persistent flooding and long-term saturation of the roadway embankment, thus creating roadway shoulder and embankment damage during overtopping events and the potential for roadway embankment erosion during saturation.

**Driver Hazard:** As described above, N-12 in the Study Area is exposed to regular flooding. Roadway flooding is a concern for driver safety as even if the road is marked closed, motorist may choose to drive through flooded roadways. N-12 in this location does not have lighting and the inherent dangers of driving through flooded roadways exist, especially during times of poor visibility.

In 1995, the Corps implemented an interim fix by raising the gradeline of N-12 by several feet on two short highway segments to alleviate the flooding problems. The resultant roadway is narrow that has shoulders of inadequate width and steep sideslopes. Cable guardrail was installed to help protect vehicles from leaving the road and driving into the water. Due to the narrow roadway, the cable guardrail is close to the edge of the driving lane. These conditions create hazards for the traveling public.

**Continuous Roadway Maintenance:** Roadway maintenance has occurred in the past (see above #2 above) to repair roadway damage due to high water levels and/or flooding. Until a solution is implemented, continuous roadway maintenance will be required to repair damage caused by high water levels and/or flooding of the roadway.

**Need for Reliable Roadway:** N-12 is an east-west roadway in northeastern Nebraska that provides a route for local and thru vehicle traffic. N-12 is situated among the northern portions of counties in Nebraska. As there are limited resources in this area which provide for east-west vehicle traffic movement, N-12 provides a vital link of travel for adjacent rural residents and traffic traveling east-west through northeastern Nebraska.

NDOR and Corps have not selected a project alternative but will be exploring a range of alternatives through the National Environmental Policy Act (NEPA) process. Construction of the N-12 project is expected to result in temporary and permanent impacts to jurisdictional waters of the U.S., thereby requiring a Clean Water Act Section 404 permit. Alternatives under consideration include: (1) taking no action; (2) re-construction on existing alignment; (3) providing a new two-lane highway on new alignment; (4) reduce or eliminate the flooding/high water level problem through evaluation of methods to reduce Lewis and Clark Lake elevation through operations and/or maintenance. Additional alternatives will be considered during the NEPA process.

The Corps is utilizing a third-party contractor, HDR Engineering, Inc, to prepare the EIS. The EIS will be prepared according to the Corps' procedures for implementing NEPA and consistent with the Corps' policy to facilitate public understanding and review of agency proposals. A project newsletter has been prepared to distribute to the public in the study area that describes the project, discusses the history of the project, and explains the EIS process. Copies of the newsletter will be available at the public scoping meeting or can be requested by mail. The public scoping meeting will be held on August 28, 2008, from 6:00 p.m. to 8:30 p.m., at the WFLA Conference Center located on Spruce and Park Avenue in, Niobrara, NE.

These scoping meetings will be held to describe the project, the NEPA process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments will be accepted at these meetings and until September 28, 2008.

The COE has invited the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Federal Highway Administration, National Park Service, and Knox County to be cooperating agencies in the formulation of the EIS.

**Questions regarding the proposed action, scoping meetings, and the EIS process as well as submission of written comments can be addressed to either:**

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Public Notices issued by for the state of Nebraska can also be obtained by visiting the Nebraska Regulatory Office web site at:

<https://www.nwo.usace.army.mil/html/od-rne/pn/pn.html>